

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

DUSTIN MICHAEL JONES

PLAINTIFF

V.

CASE NO.: 5:20-CV-5109

**DEXTER PAYNE, Director,
Arkansas Department of Correction**

DEFENDANT

ORDER

Comes on for consideration the Report and Recommendation (“R&R”) (Doc. 9) filed in this case on July 21, 2020, by the Honorable Erin L. Wiedemann, Chief United States Magistrate Judge for the Western District of Arkansas. The R&R explains that Plaintiff filed a Motion to Dismiss the Habeas Petition (Doc. 8) on July 20, 2020. He requested that his case be dismissed without prejudice so that he could first attempt to exhaust his state remedies. The Court agrees with the Magistrate Judge’s recommendation and finds that the Motion should be granted. Accordingly, **IT IS ORDERED** that the R&R (Doc. 9) is **ADOPTED IN ITS ENTIRETY**, and Plaintiff’s Motion to Dismiss (Doc. 8) is **GRANTED**. The case is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED on this 10th day of August, 2020.

/s/ Timothy L. Brooks

TIMOTHY L. BROOKS

UNITED STATES DISTRICT JUDGE